

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

March 20, 2012

Lyle W. Cayce  
Clerk

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No. 11-50337  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MATEO MENDEZ-ZUNIGA, also known as Mateo Mendez,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:10-CR-957-1

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Before DENNIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:\*

Mateo Mendez-Zuniga appeals his conviction for illegal reentry. He presents an argument that he concedes is foreclosed by *United States v. Lopez-Ortiz*, 313 F.3d 225, 229-31 (5th Cir. 2002), which held that an immigration judge's failure to explain the availability of discretionary relief in an immigration proceeding does not render the proceeding fundamentally unfair. *See id.*; *see also Romero-Rodriguez v. Gonzales*, 488 F.3d 672, 677 n.5 (5th Cir. 2007). The Government's motion for summary affirmance is GRANTED, and the

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-50337

judgment of the district court is AFFIRMED. The Government's alternative motion for an extension of time to file a brief is DENIED.